

Planned Unit Developments (PUD)

General Description

The PUD process is a review procedure intended to encourage innovative land planning and design, and avoid the monotony often associated with large developments. It is a process based on increased flexibility in the zoning regulations with the expectation of a high quality, sensitively designed development.

An applicant may choose to initiate a PUD process for a project of any size, but the PUD review process is mandatory for any development that requests a Modifications of Standards or is within certain base zoning districts.

The Review Process

The PUD review process requires the submission of a Development Plan to show the conceptual layout & to secure the entitlements of the PUD. The Development Plan should identify land uses, density and intensity of development, public facilities, transportation, and infrastructure provisions, open space, and other major development issues. All PUD applications shall be subject to a neighborhood meeting requirement, as well as a requirement for a joint conceptual worksession with the BOMA and FMPC. **The Neighborhood Meeting and Joint Worksession shall occur prior to the initial submittal of a project, unless, because of an emergency situation, an alternative process is approved by the Planning Director.** The following subsections outline the procedures for neighborhood meetings, conceptual project workshops and the PUD Review process.

Plan Meeting & Pre-application Conference

- I. Applicants are required to meet with the Department of Planning and Sustainability for a plan meeting.

2. Following the plan meeting, applicants are required to meet with the Department of Planning and Sustainability for a pre-application conference within 90 days.

Joint Conceptual FMPC/BOMA Worksession

3. Applicant shall make application to appear on the FMPC/BOMA Joint Conceptual Worksession Agenda. The deadline for this Agenda is the Resubmittal Date, as indicated by the FMPC/Administrative Meeting and Deadline Schedule.
4. The applicant shall present the proposed project, in an informal setting, to the Joint Conceptual FMPC/BOMA Worksession.
5. Public notice of the conceptual project workshop shall be provided in accordance with Subsection 2.3.8 of the *Zoning Ordinance*.
6. Applicants should prepare a digital presentation suitable for display during the worksession. The presentation should be limited to a maximum of nine (9) distinct slides, and should address the elements described in the sidebar titled “Conceptual Project Worksession Digital Presentation Contents” in the order listed (See Inset Box on previous page for detail on map components.).

Conceptual Project Workshop Digital Presentation Contents

- Slide 1: Vicinity Map/Project Attributes** (size, density, uses)
- Slide 2: Physical Features Map**
- Slide 3: Existing Conditions Map**
- Slide 4: Circulation System** – street network, sidewalks, trails
- Slide 5: Project Map**
- Slide 6: Open Space/Parkland** – Location of active and passive areas
- Slide 7: Phasing/Infrastructure** – development sequence and order of public improvement installation
- Slide 8: Preapplication Conference** – concerns raised at conference and changes made based on the meeting

Neighborhood Meeting

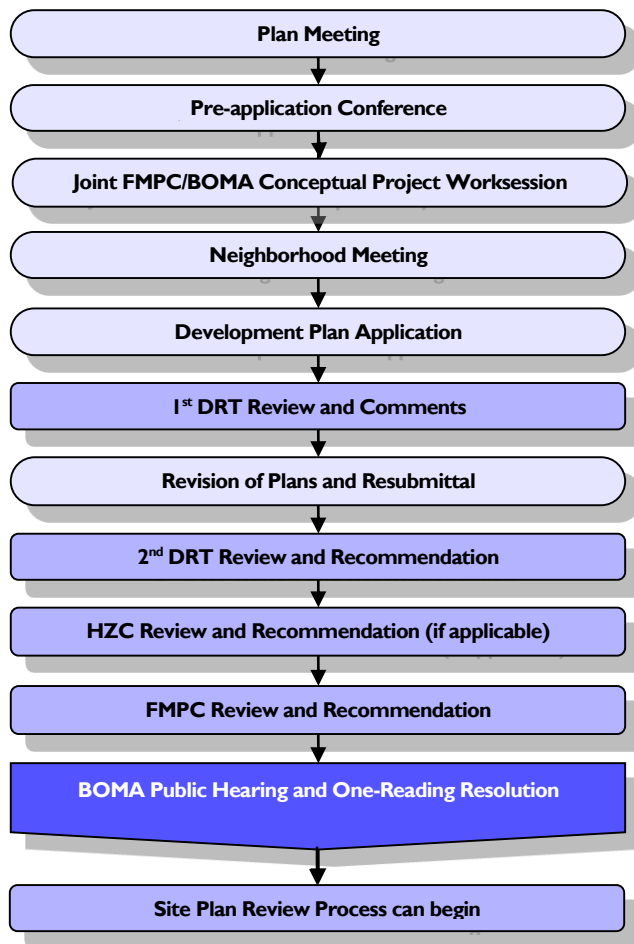
7. A Neighborhood Meeting shall be conducted prior to initial submittal of the project. Policies for required Neighborhood Meeting are included with the Neighborhood Meeting Notice Application. The application shall be completed and the policies complied with, unless otherwise expressly allowed by the Planning Director in writing. The Neighborhood Meeting Notice Application may be obtained from the Department of Planning and Sustainability. The applicant shall contact the Planner with the date, location, and time of the Neighborhood Meeting at least 10 days prior to the set day of the meeting. If, during the review process, an applicant proposes revisions to a Development Plan, the Planning Director may require an additional Neighborhood Meeting in order to keep the adjoin neighbors informed of the changes, prior to a FMPC or BOMA meeting.

Development Plan

8. Following the plan meeting, the pre-application conference, conceptual project worksession, and neighborhood meeting, the applicant may provide public notice and submit a formal application for a Development Plan review in accordance with Section 2.3 and Subsection 2.4.2 of the *Zoning Ordinance* within 120 days of the conceptual project workshop.
9. The Department of Planning and Sustainability and the DRT will review the application and provide comments.

10. Following revision and re-submission of the application, the Department of Planning and Sustainability shall review the revised application, prepare a staff report, and make a recommendation to the FMPC.
11. If the Development Plan is related to historic preservation or a historic district, the HZC will review the application and make a recommendation to the FMPC.
12. The FMPC will hold a public meeting to review and discuss the Development Plan and will make a recommendation to BOMA in accordance with the ordinance, legal requirements, and FMPC By-laws.
13. The BOMA will review the Development Plan application and will make a decision, in the form of a resolution. The BOMA is required to hold one reading of the Development Plan resolution with a public hearing held during the reading of the resolution. If the Development Plan accompanies a Rezoning request, then the one reading with a public hearing of the Development Plan resolution shall occur on the same agenda as the public hearing of the Rezoning request. It should be noted that the readings of the Development Plan and the Rezoning are separate agenda items.
14. A Development Plan has a 2 year period before it will be reviewed by the FMPC to determine if the project is Complete, Actively Under Development, or Inactive.
15. Once the Development Plan is approved by the BOMA, and all conditions of approval placed on the Development Plan have been resolved, a site plan will be required prior to the issuance of building permits. The site plan will either be reviewed by the staff or FMPC, depending on certain triggers. The site plan for the PUD development shall not be accepted for review until the Post-PC Development Plan has been submitted for staff review.

PUD Development Plan Review Process



PUD “TRIGGERS”

An applicant may choose to initiate a PUD application for a project of any size; however, a PUD application shall be required for projects meeting any one of these criteria, unless otherwise exempted:

- The applicant intends to request a modification of standards with the concept plan or regulating plan application;
- Zoned (existing or proposed) as an RX, CI, MN, ML, or MR District;
- Proposed to use the TOD development standards of Subsection 5.3.10; or
- Projects containing any three of these criteria:
 - A.) 20 or more contiguous acres;
 - B.) 40 or more dwelling units;
 - C.) Attached dwellings;
 - D.) 200,000 square feet or more of gross nonresidential building square footage;
 - E.) Civic and institutional uses that require or comprise two or more contiguous acres;

PUD Exemptions

Any application may be exempt from the PUD process if:

- Subject to a valid Final Plat or Preliminary Plat approved or recorded prior to July 1, 2008; however, requesting modifications of standards or certain zoning districts (e.g. RX, CI, MN, ML, or MR) may necessitate review as a PUD because the lot or subdivision may not have originally been intended for such uses or intensity.
- Subject to an approved PUD, Concept/Regulating Plan, or Development Plan; however, requesting changes to uses, density, or previous conditions of approval will likely result in a need to resubmit.
- Subject to a valid Conservation Plan; or
- Located in an existing TIF (Tax Increment Financing) District.

Revisions to previously approved plans

The Development Plan process in the Zoning Ordinance has specific criteria and review processes for amendments or revisions to previously approved PUDs- Concept Plans, Regulating Plans, or Development Plans. Applicants who plan to amend or revise a previously PUD approved prior to January 10, 2012 should contact the Planning Department to set a meeting with the Planner for their area, the Planning Director, and any other pertinent City Staff to discuss the review and approval process for the amendment or revision to the PUD.

Things to Know About the PUD Process

Detailed information on the PUD procedure and review criteria is established in Subsection 2.4.2 of the *Zoning Ordinance*.

- The PUD procedure is not a Rezoning; however, a rezoning may be necessary to implement the Development Plan.
- The underlying base zoning districts and overlay district determines permitted uses within a particular PUD. Applicants may request a Rezoning of the base or overlay zoning district simultaneously with the Development Plan review process, but the rezoning must be approved prior to the Development Plan.
- Failure to hold or adequately provide notice of a neighborhood meeting will not stop or delay the review process but may be cause for the denial of the application.
- Final plats may be required following or simultaneous to Site Plan review for a PUD review.
- The following development standards may not be modified during the PUD review process:
 - ⊗ Environmental protection standards in Section 5.8 of the FZO; and
 - ⊗ Standards in Table 3-5 Base District Density and Building Height
- Published notices shall be provided by the city in accordance with state law.
- For the review of a Development Plan, written notice shall be to all property owners within 500 feet of the subject property and registered neighborhood organizations shall be noticed in accordance with Section 2.3.8 of the *Zoning Ordinance*.
- A required neighborhood meeting or conceptual project workshop cannot be waived by the city if the proposal contains:
 - Attached dwellings,
 - A civic or institutional use,
 - A gross density exceeding 2.0 units or more per acre,
 - 100 or more acres,
 - 100 or more dwelling units, or
 - 200,000 square feet or more of gross nonresidential building square footage.

Submittal Requirements & Checklists are included in Appendix F of this document.

Contact the Department of Planning and Sustainability for the latest version of the Checklist for the different plan types.